

TWENTY FOUR SOBER  
**QUÆRIES**  
 Humbly Offered to be Seriously Considered by all  
**JURIES**  
 IN  
**City and Countrey,**

27. Nov. 1680:

**F**Orasmuch as all Juries are solemnly bound by their Oaths, in the presence of God and Courts of Justice, to bring in their Verdicts according to the proof made by Evidences (to Indictments Exhibited) against Persons accused of Crimes against the Laws of the Kingdom, that so they may be Acquitted or Punished according to the Law and nature of their Crimes.

I humbly present to consideration these following Quæries.

1. **W**hether any thing Criminal should be inserted in an Indictment or Information, but what may be supposed shall be particularly proved against the person that stands indicted?

2. Whether a person indicted, that knows in himself that he is guilty of something in the indictment, but innocent of some other things therein mentioned, may not safely with a good conscience plead Not Guilty to that Indictment?

3. Whether a Jury is not bound by their Oaths and Conscience to consider and very seriously enquire into every part of the Indictment or Information, as it is exhibited in matter and form, for as much as therein and thereby the Crime or Crimes of the Indicted person is particularly presented and aggravated?

4. Whether a Jury is not bound in Conscience by their Oaths to consider and compare the Evidence with the particulars in the Indictment or Information (exhibited as Crimes) that so they may be sure whether the whole or any part of the Indictment be plainly and fully proved, for as much as the finding them guilty that are Innocent, or acquitting them that are Guilty, is a horrid thing, and Punishable by God and men, and therefore it should be considered with Fear and trembling; that the God of Heaven doth punish some sins in the Children of men with more visible marks of his Divine Justice than some others, viz. Murder, Breach of Covenants relating to Marriage, and Breach of solemn Oaths made in the presence of God and Men?

5. Whether a Jury when they have heard matters Pro and Con in a publick Court, partly by the Evidence, partly by the able Council for the Indicted person, and partly by those that present the Case, and it may be sometimes with bitterness of Spirit, ought they not then to deliberate and debate all those matters by themselves? that so they may come to such a Verdict as they may resolutely stand by before any

Judge on Earth, as also to be ready with good Conscience to appear the next hour before the Barr of that God by whom all actions are weighed; considering also that the welfare or the Woe of the Indicted person doth depend upon that short word sometimes too quickly spoken, *Guilty* or *Not Guilty*?

6. Whether Juries ought not to consider that themselves and Families near and Dear to them, as well as the person whose cause they are to Judge of, may be brought justly or wrongfully to be Judged by such a number of men, and then they would be glad of such a sober proceed?

7. Whether every part of an Indictment ought not to be very warily considered by a Jury, so as they may distinguish between the lesser and the greater Crimes therein mentioned, viz. between Treason and Sedition, and between Sedition and Misdemeanors.

8. Whether if Treason, Sedition and Misdemeanor, or Crimes by other Names be mentioned in an Indictment, and nothing be proved by the Evidence against the Indicted person but the Misdemeanor, then ought not the Jury to bring their Verdict Guilty of that, and that only; and so Quit the person of the other Crimes mentioned but not proved?

9. If a Paper Written, Printed or Sold, shall be charged by an Indictment to have the aforesaid Crimes in it, and no special Proof be made of the Crimes mentioned in the Indictment (to be in that Paper) though Proof be made that the Indicted person did Write, Print or Sell such a Paper, whether the Jury are not then bound by their Oaths to bring in the Indicted person Not Guilty of that Indictment, for as much as the hard names that may be given to a Paper, or Book, or Man, by an Indictment, will not make or prove them to be such in very deed?

10. Whether the aggravating part of an Indictment, viz. (that such words were spoken or such things were done Maliciously, Seditiously and Scandalously,) should not be separated from the other Crimes mentioned, unless there be some good proof made by some overt acts of the party Indicted, that plainly renders the matter so, or that the Crimes mentioned are of such a nature in themselves, as they cannot be without such a base frame of heart in which they are Represented?

11. Whether this way of proceed be not practised and allowed in the Kings Courts of Justice, considering

ing that those who were Indicted for Riotously tearing the Humble Petition to his Majesty for the Sitting of the present Parliament, were found guilty by the Juries of tearing the Petition, but not of doing it Riotously?

12. Whether there be any necessity for men in the enjoyment of their Wits and Reason, to conclude that the selling of a Paper or Book by any Book-seller, was done maliciously, to Scandalize the Government, especially if proof can be made that the Book was sold some considerable time before by some other person, and seemed to be a saleable thing, the matter of Offence therein contained not being so considered as the selling of it, and that also in the way of his Trade, to get Bread for his poor Family; may it not rather be judged to be done Ignorantly than Maliciously?

13. Whether it be not most honourable for all Judges, and most safe for all Juries when two sences be put upon a matter that is reckoned Criminal, to put that which is most Merciful and Favourable for the accused party, this being most agreeable to Christianity, Humanity, the Law, and good Reason; unless something like an infallible Testimony doth Demonstrate the contrary?

14. Whether the Courts of Justice now belonging to the Kings of the Earth, ought not to be Emblems of that great and Glorious Court which the great and glorious God will hold hereafter to Try Mankind of all Ranks, Degrees and Qualities, at which time he will open his Books and Judge them according to their works, by those Righteous Laws that are written in those Books?

15. Whether all Judges are not bound by their Office to open the Books of the Realm in their Courts of Justice, and compare the Facts of the Indicted person with the Laws, and so make it plain to the Jury and all that come to see Justice done, that the person Indicted is not falsely but truly Indicted, respecting the matter of Fact (if it can be proved by good Evidence) that so if the person be found guilty by the Jury, he may be convinced in his own Conscience that his Judgment is just, as also that those which hear may be informed and fear to Transgress?

16. Whether Judges or Recorders in any of the Kings Courts of Justice ought not meekly and patiently to hear and observe all matters as they are managed by all parties, without manifesting an Outragious spirit, to the Discouraging of Witnesses for or against the party whose cause is before them to Judge of, as also to let the Indicted person not lose the right season to speak for himself?

17. Whether when all is heard from Evidences, Counsels, and the Indicted person, then is it not the bounden duty of Judges, Recorders, or any others of the Kings Council, to present the matter of the Indictment fairly and faithfully to the Jury, according to the Evidence, that if the whole of the Indictment be proved by the Evidence, it may be so charged upon the Consciences of the Jury, and if but part of it hath been proved, their Consciences may be charged with no more?

18. Whether Judges in giving the Charge, are not bound to do it Directive to the Jury, and not Inveective against the Indicted person, beyond what was proved by the Oath of the Evidence; for as much as

whoever in that great place turneth Accuser, is not likely to be an Impartial Judge?

19. Whether it be not a Dishonour to his Majesty; for any that shall appear as his Council in his Courts of Justice, to discourage his Majesties Subjects from appearing there to hear and see the proceeds of Justice, by being Characterized as persons disaffected to the Government, because of a full appearance in Court, which is rather honourable than disgracefull to the Court, and is the priviledge of his Majesties Subjects, for which cause the Gates and Doors of Courts of Justice must be kept open?

20. Whether it be any Crime against the Law, if the people shall give a Shout of Joy, as a Demonstration they are pleased that a Jury bringeth in a Verdict according to what shall be proved by the Evidence; if such a Shout be not a breach of Law, why should it be Rebuked, and the persons Threatened if they were known? and if it be a Breach of Law, why was it not Rebuked, and the persons threatened, when a great shout of Joy was made by the people, because of brave Speeches concerning Justice at the Tryal of some of the Popish Traytors? however, if any loud mouth shall speak words contrary to Law and good Reason, let him suffer in Person or Purse, according to his Crime?

21. Whether it be not matter of admiration to all true Protestants, that a City Jury should find a Protestant guilty one Week, and a Country Jury should Acquitt a grand Popish Traytor another Week, especially considering the vast difference between their Indictments and Evidences?

22. Whether the Laws of England being founded upon right Reason, doth not reach, that all Punishments Inflicted on Offenders, shall be suitable to the Crimes fully proved against the criminal party, and no otherwise, that so, Justice may take its place, and Mercy may take its place, and Cruelty may have no place at all; for as much as the Law doth not design the utter Ruin of any man, in matters that are but Misdemeanours, and therefore will not allow of extraordinary Fines for ordinary Crimes, it being a Mercifull Law?

23. Whether it be not the bounden duty of all Juries who have at any time wronged his Majesty or any of his Subjects in their Verdicts, (by saying Guilty to such as should be Acquitted, or Not Guilty to such as should be Condemned) to hasten their Repentance, in asking God, the King and the people Pardon, for as much the sin of Injustice among men doth hasten the Justice of God upon men?

24. Whether it be not the Duty of all Sheriffs together with all other Officers who are concerned to choose or Impanel Juries, to observe and put some Remarks on all such Juries as have wronged their King and Country by their Verdicts, that so they may not be too hastily trusted with the Administration of Justice between the King and his People?

*All these things being impartially considered, and honestly managed by all such as have the honourable Title of Good men and True, doubtless will be for the Glory of the King, and the great good of his Subjects.*

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